

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

**TERRORIST ATTACKS ON
SEPTEMBER 11, 2001**

03-MDL-1570 (GBD)(SN)

**JOSEPH AGRI; MICHAEL
ALBERTSEN; RONALD BAIER; DREW
BAILEY; CLIFFORD BEAROR;
MILFORD BINK; ANNA BLANCO;
DAVID BROWN; BERNADETTE
CAMPBELL; RALPH CASERTA;
ROBERT CELLA; GEORGE CHEAH;
JOHN CHOMYCZ; JEFFREY CICORA;
NICHOLAS CIUFFI; JOHN CLARK;
KEVIN CLOSE; LATATAURA
COOPER; MICHAEL CORRADO;
BERNARD COSENZA; GEORGE
COULURIS; SALVATORE
CRACCHIOLO; JOHN CRANEY;
JAMES DAVITT; MICHAEL
DELLAROCO; PATRICK DEVITO;
JOHN DINOTO; JODI DISCH;
MICHAEL DOODY; LAWRENCE
DRESNER; MELISSA EXELBERTH;
VINCENT FELIX; ROBERT FIGOSKI;
BRIAN FLEMMING; LEONARD
FORNABIA; HELEN FRIES; JOHN
GAVAN; JOSEPH GERRATO; AYANNA
GIDDENS; GEOFFREY GOVERNOR;
WALLACE GRAY; MARTIN GREEN;
ROBERT HEEDLES; STEVEN
HEINRICH; WILLIAM HOLMES;
KEVIN IMM; REGINALD JENKINS;
FRANK JILLING; TAMMIE KELLEY;
DANIEL KING; SANDRA KING;
RICHARD KOBER; ANTHONY
LAPORTA; ELIZABETH LATTANZIO;
THOMAS LIND; JON-MICHAEL LUISI;
THOMAS LYNCH; LEO MALDONADO;
PHILLIP MALLOY; HAROLD
MANCHESTER; ANTHONY
MANNUZZA; MICHAEL MCADOREY;**

18-CV-11619 (GBD)(SN)

**SAUDI ARABIA SHORT FORM
COMPLAINT AND DEMAND FOR
TRIAL BY JURY**

**KYLE MCCAULEY BELOKOPITSKY;
THOMAS MCDONALD; WILLIAM
MILLER; ANDREW MULCHINSKI ;
CHRISTOPHER MULLEN; DAVID
NEGRON; PATRICK O'MALLEY;
CARLOS ORTIZ; RANDALL
PASCUCCI; JAMES PEITHMAN; JOHN
PERUGGIA; JESUS PINTOS;
MATTHEW PRESTON; RICHARD
RAMOS; MICHAEL RENNA; PHILIP
RIVERA; DAMARIS RIVERA-DIAZ;
RICHARD RODRIGUEZ; WILLIAM
ROSS; NICOLE ROSSETTI; LUIS
SANDOVAL; GERALD SCHEMBRI;
MARK SEMIDAY; KURT SIEGEL;
KEITH SIMONE; JOSEPH SIXSMITH;
CHRISTOPHER SMITH; CLEMENTE
SOSA; JAMES STOLL ; DONALD
SWAIN; THOMAS TILISON;
ANGELICA TORRES-PINTOS;
JEFFREY VAN AUKEN; LIZBETH
VILLAFANE; DANIEL WALSH; JOHN
WALSH; STEPHEN WHEELER; JAMES
WYNNE;**

Plaintiffs,

-against-

KINGDOM OF SAUDI ARABIA,

Defendant.

Plaintiffs named herein by and through the undersigned counsel file this Short Form Complaint against Defendant, the Kingdom of Saudi Arabia, arising out of the September 11, 2001 terrorist attacks (“September 11, 2001 Terrorist Attacks”), as permitted and approved by the Court’s Order of May 3, 2017, ECF No. 3543. Each Plaintiff incorporates by reference the specific allegations, as indicated below, of (a) the Consolidated Amended Complaint as to the Kingdom of Saudi Arabia, ECF No. 3463, or (b) the Complaint Against the Kingdom of Saudi

Arabia, Ashton v. Kingdom of Saudi Arabia, No. 17-CV-2003 (GBD)(SN) (S.D.N.Y. Mar. 30, 2017), ECF No. 1.

Upon filing this Saudi Arabia Short Form Complaint, each Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as specified below; all prior filings in connection with that complaint; and all prior Orders and rulings of the Court in connection with that complaint.

VENUE

1. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391 (b)(2) and 1391(f)(1), as a substantial part of the events giving rise to the claims asserted herein occurred in this district. Venue is also proper in this district pursuant to 18 U.S.C. § 2334(a).

JURISDICTION

2. Jurisdiction is premised on the grounds set forth in the complaints specified below, and further, jurisdiction of this Saudi Arabia Short Form Complaint is premised upon and applicable to all defendants in this action:

- ☒ 28 U.S.C. § 1605(a)(5) (non-commercial tort exception)
- ☒ 28 U.S.C. § 1605B (Justice Against Sponsors of Terrorism Act)
- ☒ 28 U.S.C. § 1330 (actions against foreign states)
- ☐ Other (set forth below the basis of any additional ground for jurisdiction and plead such in sufficient detail as per the FRCP): _____

_____.

CAUSES OF ACTION

3. Each Plaintiff hereby adopts and incorporates herein by reference the following factual allegations, jurisdictional allegations, and jury trial demand in the following complaint [check only one complaint] and the following causes of action set forth in that complaint:

☒ **Consolidated Amended Complaint as to the Kingdom of Saudi Arabia, ECF No. 3463 (check all causes of action that apply)**

- ☒ COUNT I – Aiding and Abetting and Conspiring with Al Qaeda to Commit the September 11th Attacks upon the United States in violation of 18 U.S.C. § 2333(d) (JASTA).
- ☒ COUNT II – Aiding and Abetting and Conspiring with Al Qaeda to Commit the September 11th Attacks upon the United States in violation of 18 U.S.C. § 2333(a).
- ☒ COUNT III – Committing Acts of International Terrorism in violation of 18 U.S.C. § 2333.
- ☐ COUNT IV – Wrongful Death.
- ☐ COUNT VI – Alien Tort Claims Act.
- ☒ COUNT VII – Assault and Battery.
- ☒ COUNT VIII – Conspiracy.
- ☒ COUNT IX – Aiding and Abetting.
- ☒ COUNT X – Intentional Infliction of Emotional Distress.
- ☒ COUNT XII – Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Supervising Employees and Agents.
- ☒ COUNT XIII – Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Hiring, Selecting, and Retaining Employees and Agents.
- ☐ COUNT XIV – 18 U.S.C. § 1962(a)–(d) – CIVIL RICO.
- ☒ COUNT XV – Trespass.
- ☒ COUNT XVI – Violations of International Law.

- ☐ **Complaint Against the Kingdom of Saudi Arabia, Ashton v. Kingdom of Saudi Arabia, No. 17-CV-2003 (GBD)(SN) (S.D.N.Y. Mar. 30, 2017), ECF No. 1 (check all causes of action that apply)**
- ☐ First Cause of Action to Recover Wrongful Death Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-Terrorism Act or ATA)
- ☐ First Cause of Action to Recover Personal Injury Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-Terrorism Act or ATA)
- ☐ Second Cause of Action for Wrongful Death Damages Pursuant to State Tort Law
- ☐ Second Cause of Action for Personal Injury Damages Pursuant to State Tort Law
- ☐ Third Cause of Action for Wrongful Death Damages Pursuant to the Alien Tort Claims Act
- ☐ Third Cause of Action for Personal Injury Damages Pursuant to the Alien Tort Claims Act
- ☐ Each Plaintiff asserts the following additional theories and/or Causes of Action against the Kingdom of Saudi Arabia: _____
- _____
- _____.

IDENTIFICATION OF PLAINTIFFS

4. The following allegations and information are alleged on behalf of each individual who is bringing this claim, as indicated on Appendix 1 to this Saudi Arabia Short Form Complaint, herein referred to as "Plaintiffs."

- a. The citizenship/nationality of each Plaintiff is indicated at Appendix 1 to this Saudi Arabia Short Form Complaint.
- b. Plaintiff is entitled to recover damages on the causes of action set forth in this Saudi Arabia Short Form Complaint.
- c. As indicated at Appendix 1, Plaintiff (i) is the estate representative of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; (ii) is the surviving immediate family member of someone who was

killed as a result of the September 11, 2001 Terrorist Attacks; and/or (iii) suffered physical injuries as a result of the September 11, 2001 Terrorist Attacks.

- d. For those plaintiffs with personal injury claims, as indicated in Appendix 1, on or after September 11, 2001, said Plaintiff was present at the Pentagon and/or the World Trade Center site and/or its surroundings and/or lower Manhattan and/or at an area wherein he/she was exposed to toxins as a result of the terrorist attacks and was exposed to toxins from the attacks, and/or was otherwise injured, and/or as otherwise alleged, as stated specifically in Appendix 1.
- e. For those plaintiffs with personal injury and/or wrongful death claims, as indicated in Appendix 1, as a direct, proximate and foreseeable result of Defendant's actions or inactions, Plaintiff or his or her decedent suffered bodily injury and/or death, and consequently economic and other losses, including but not limited to pain and suffering, emotional distress, psychological injuries, and loss of enjoyment of life, and/or as described in the Saudi Arabia Short Form Complaint, and/or as otherwise may be specified in subsequent discovery proceedings, and/or as otherwise alleged in Appendix 1.
 - a. The name, relationship to the injured and/or deceased September 11 victim, residency, citizenship/nationality, and the general nature of the claim for each plaintiff asserting wrongful death and/or solatium claims is listed on the attached Appendix 1, and is incorporated herein as allegations, with all allegations of the related complaints, as specified above, deemed alleged as to each Plaintiff.

IDENTIFICATION OF THE DEFENDANT

- 5. The only Defendant named in this Saudi Arabia Short Form Complaint is the Kingdom of Saudi Arabia.

NO WAIVER OF OTHER CLAIMS

- 4. By filing this Saudi Arabia Short Form Complaint, Plaintiff(s) is/are not waiving any right to file suit against any other potential defendants or parties.
- 5. By filing this Saudi Arabia Short Form Complaint, Plaintiff(s) are not opting out of any class that the Court may certify in the future.

JURY DEMAND

- 6. Each Plaintiff hereby demands a trial by jury as to the claims in this action.

WHEREFORE, Plaintiffs pray for relief and judgment against Defendant as set forth in this Saudi Arabia Short Form Complaint as appropriate.

Dated: December 12, 2018

Respectfully submitted,

/s/ Robert T. Haefele

Jodi Westbrook Flowers, Esq.

Donald A. Migliori, Esq.

Michael Elsner, Esq. (NY Bar #ME8337)

Robert T. Haefele, Esq. (NY Bar #RH2811)

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COUNSEL FOR PLAINTIFFS

APPENDIX 1

Each line below is deemed an allegation, incorporating the allegations, language, and references within the Saudi Arabia Short Form Complaint to which this Appendix 1 is appended and shall be referenced as Allegation 1 of Appendix 1 to the Saudi Arabia Short Form Complaint, Allegation 2 of Appendix 1 to the Saudi Arabia Short Form Complaint, etc.

	Plaintiff's Name (alphabetical by last name)	Plaintiff's State of Residency at Filing (or death)	Plaintiff's Citizenship/ Nationality on 9/11/2001	9/11 Decedent's Full Name	Plaintiff's Relationship to 9/11 Decedent	9/11 Decedent's Citizenship/ Nationality on 9/11/2001	Nature of Claim (wrongful death, solatium, personal injury)
1	Agri, Joseph	NY	USA				personal injury
2	Albertsen, Michael	FL	USA				personal injury
3	Baier, Ronald	NY	USA				personal injury
4	Bailey, Drew	NY	USA				personal injury
5	Bearor, Clifford	NY	USA				personal injury
6	Bink, Milford	NY	USA				personal injury
7	Blanco, Anna	PA	USA				personal injury
8	Brown, David	NY	USA				personal injury
9	Campbell, Bernadette	NY	USA				personal injury
10	Caserta, Ralph	NY	USA				personal injury
11	Cella, Robert	NY	USA				personal injury
12	Cheah, George	NJ	USA				personal injury
13	Chomycz, John	NY	USA				personal injury
14	Cicora, Jeffrey	NY	USA				personal injury

15	Ciuffi, Nicholas	NY	USA				personal injury
16	Clark, John	NY	USA				personal injury
17	Close, Kevin	NY	USA				personal injury
18	Cooper, Latataura	NY	USA				personal injury
19	Corrado, Michael	NY	USA				personal injury
20	Cosenza, Bernard	NY	USA				personal injury
21	Couluris, George	NY	USA				personal injury
22	Cracchiolo, Salvatore	NY	USA				personal injury
23	Craney, John	NY	USA				personal injury
24	Davitt, James	NJ	USA				personal injury
25	Dellarocco, Michael	NY	USA				personal injury
26	Devito, Patrick	NY	USA				personal injury
27	Dinoto, John	FL	USA				personal injury
28	Disch, Jodi	NY	USA				personal injury
29	Doody, Michael	NY	USA				personal injury
30	Dresner, Lawrence	NY	USA				personal injury
31	Exelberth, Melissa	NY	USA				personal injury
32	Felix, Vincent	NY	USA				personal injury
33	Figoski, Robert	NY	USA				personal injury
34	Flemming, Brian	NY	USA				personal injury
35	Fornabia, Leonard	NY	USA				personal injury
36	Fries, Helen	NY	USA				personal injury
37	Gavan, John	NY	USA				personal injury

38	Gerrato, Joseph	NY	USA				personal injury
39	Giddens, Ayanna	NY	USA				personal injury
40	Governor, Geoffrey	NY	USA				personal injury
41	Gray, Wallace	NY	USA				personal injury
42	Green, Martin	NY	USA				personal injury
43	Heedles, Robert	NY	USA				personal injury
44	Heinrich, Steven	PA	USA				personal injury
45	Holmes, William	VA	USA				personal injury
46	Imm, Kevin	NY	USA				personal injury
47	Jenkins, Reginald	NY	USA				personal injury
48	Jilling, Frank	NY	USA				personal injury
49	Kelley, Tammie	PA	USA				personal injury
50	King, Daniel	NY	USA				personal injury
51	King, Sandra	NY	USA				personal injury
52	Kober, Richard	NY	USA				personal injury
53	LaPorta, Anthony	NY	USA				personal injury
54	Lattanzio, Elizabeth	NY	USA				personal injury
55	Lind, Thomas	NY	USA				personal injury
56	Luisi, Jon-Michael	FL	USA				personal injury
57	Lynch, Thomas	NY	USA				personal injury
58	Maldonado, Leo	NY	USA				personal injury
59	Malloy, Phillip	NY	USA				personal injury
60	Manchester, Harold	NY	USA				personal injury

61	Mannuzza, Anthony	NY	USA				personal injury
62	McAdorey, Michael	NY	USA				personal injury
63	McCauley Belokopitsky, Kyle	NY	USA				personal injury
64	McDonald, Thomas	NY	USA				personal injury
65	Miller, William	NY	USA				personal injury
66	Mulchinski , Andrew	NY	USA				personal injury
67	Mullen, Christopher	FL	USA				personal injury
68	Negron, David	NY	USA				personal injury
69	O'Malley, Patrick	NY	USA				personal injury
70	Ortiz, Carlos	NY	USA				personal injury
71	Pascucci, Randall	NY	USA				personal injury
72	Peithman, James	NY	USA				personal injury
73	Peruggia, John	NY	USA				personal injury
74	Pintos, Jesus	NY	USA				personal injury
75	Preston, Matthew	NY	USA				personal injury
76	Ramos, Richard	FL	USA				personal injury
77	Renna, Michael	NY	USA				personal injury
78	Rivera, Philip	NY	USA				personal injury
79	Rivera-Diaz, Damaris	NY	USA				personal injury
80	Rodriguez, Richard	NY	USA				personal injury
81	Ross, William	PA	USA				personal injury
82	Rossetti, Nicole	NY	USA				personal injury

83	Sandoval, Luis	NY	USA				personal injury
84	Schembri, Gerald	NY	USA				personal injury
85	Semiday, Mark	PA	USA				personal injury
86	Siegel, Kurt	NY	USA				personal injury
87	Simone, Keith	NY	USA				personal injury
88	Sixsmith, Joseph	NY	USA				personal injury
89	Smith, Christopher	NY	USA				personal injury
90	Sosa, Clemente	TX	USA				personal injury
91	Stoll , James	NY	USA				personal injury
92	Swain, Donald	NY	USA				personal injury
93	Tilison, Thomas	NY	USA				personal injury
94	Torres-Pintos, Angelica	NY	USA				personal injury
95	Van Auken, Jeffrey	NY	USA				personal injury
96	Villafane, Lizbeth	NY	USA				personal injury
97	Walsh, Daniel	NY	USA				personal injury
98	Walsh, John	NY	USA				personal injury
99	Wheeler, Stephen	NY	USA				personal injury
100	Wynne, James	NY	USA				personal injury